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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WESTER

Atty. Dck. No. 019075-00052

Serial No.: 09/989,681

Examiner: unknown

Filed: November 21, 2001

Art Unit: 1645

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JUN 04 2003

For: USE OF APOLIPOPROTEIN B AS A SINGLE MARKER FOR EVALUATION
OF THE RISK OF CARDIOVASCULAR DISEASE

TECH CENTER 1600/2900

INFORMATION DISCLOSURE STATEMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: May 30, 2003

Sir:


Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information items listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each item is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the items be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, OR (c) accompanies a Request for Continued Examination. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the

disclosed information.

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(i)(1). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☒ 4. The references were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.

Respectfully submitted,


Richard J. Berman
Registration No. 39,107

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

019075-00052

SERIAL NO.

09/989,681

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

WESTER

FILING DATE

November 21, 2001

GROUP

1645

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NO. | DATE | NAME | CLASS | SUB- CLASS | FILING DATE |
|---------------------|----|-----------------|---------------|---------------|-------|---------------|----------------|
| | AA | 5,180,679 | Jan. 19, 1993 | SCHMIDTBERGER | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |

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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUB- CLASS | TRANSLATION YES NO PART | | |
|--|----|-----------------|--------------------|---------|-------|---------------|----------------------------|--|--|
| | AG | WO 99/11144 | March 11, 1999 | PCT | | | | | |
| | AH | WO 99/36785 | July 22, 1999 | PCT | | | | | |
| | AI | WO 01/67854 | September 20, 2001 | PCT | | | | | |
| | AJ | | | | | | | | |
| | AK | | | | | | | | |
| | AL | | | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | AM | BALLANTYNE et al., "Correlation on Non-High-Density Lipoprotein Cholesterol With Apolipoprotein B: Effect of 5 Hydroxymethylglutaryl Coenzyme A Reductase Inhibitors on Non-High-Density Lipoprotein Cholesterol Levels", American Journal of Cardiology, Vol. 88, No. 3, August 1, 2001, pages 265-269. |
| | AN | HAIDARI et al., "Apolipoprotein B as the best predictor of coronary artery disease in Iranian normolipidemic patients", Clinical Biochemistry, Vol. 34, No. 2, March 2001, pages 149-155. |
| | AO | DEMACKER et al., "Comparison of the measurement of lipids and lipoproteins versus assay of apolipoprotein B for estimation of coronary heart disease risk: a study in familial combined hyperlipidemia", Atherosclerosis 153 (2000), pages 483-490. |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| | AA | | | | | | |
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| | AG | | | | | | | | |
| | AH | | | | | | | | |
| | AI | | | | | | | | |
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| | AM | CERNE et al., "Comparison of laboratory Parameters as Risk Factors for the Presence and the Extent of Coronary or Carotid Atherosclerosis: the Significance of Apolipoprotein B to Apolipoprotein AII Ratio", Clin Chem Lab Med 2000; 38(6):529-538 |
| | AN | SNIDERMAN et al., "High Apolipoprotein B With Low High-Density Lipoprotein Cholesterol and Normal Plasma Triglycerides and Cholesterol", American Journal of Cardiology, Vol. 87, No. 6, March 15, 2001, pages 792-793. |
| | AO | |

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